

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

TRUNG THANH LE,  
a.k.a. KIET, )

Defendant. )

CASE NO. CR06-319JLR

DETENTION ORDER

Offenses charged:

Count I: Conspiracy to Distribute Marijuana, in violation of Title 21, U.S.C.,  
Sections 841(a)(1), 841(b)(1)(A), and 846; and

Count II: Conspiracy to Engage in Money Laundering, in violation of Title 18,  
U.S.C., Section 1956(h).

Date of Detention Hearing: September 28, 2006.

The Court, having conducted a contested detention hearing pursuant to Title 18  
U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
hereafter set forth, finds that no condition or combination of conditions which the defendant  
can meet will reasonably assure the appearance of the defendant as required and the safety

1 of any other person and the community. The Government was represented by Ye-Ting  
2 Woo. The defendant was represented by Hugh Berry.

3 The Government moves for detention, noting strong evidence supporting the  
4 alleged criminal activity of the defendant. Surveillance of the defendant reveals daily  
5 activity in furtherance of the conspiracy, including wiretapped telephone calls and delivery  
6 of marijuana and/or proceeds from the sale of marijuana. Additionally, the Government  
7 asserts that this criminal activity is corroborated by the firearm and five (5) pounds of  
8 marijuana found and seized at the defendant's residence during execution of a search  
9 warrant, noting that he currently resides with a co-defendant in the pending matter. The  
10 Government contends that the defendant has unstable and sporadic employment with no  
11 legitimate income reflected on the record.

12 The defendant argues for release, maintaining that there was no factual  
13 documentation presented in court that the defendant was a courier in the alleged conspiracy.  
14 The defense offers that the defendant has significant ties to this district, giving reference to  
15 the family members present in court, and has been offered an opportunity to work for his  
16 brother upon defendant's release.

17 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

18 (1) There is probable cause to believe the defendant committed the  
19 conspiracy drug offense. The maximum penalty is in excess of ten years.  
20 There is therefore a rebuttable presumption against the defendant's  
21 release based upon both dangerousness and flight risk, under Title 18  
22 U.S.C. § 3142(e).

23 (2) Nothing in this record satisfactorily rebuts the presumption against  
24 release for several reasons: Using the factors below, under Title 18 §  
25 3142 (g), the Court considered the following:

26 (a) The nature and circumstances of the offense charged, including

1                   whether the offense is a crime of violence or involves a narcotic  
2                   drug. The instant offense is a conspiracy drug offense. The  
3                   intertwining relationship of the co-defendants indicates close  
4                   friends, roommates and family members who have all been  
5                   charged with either conspiracy to distribute marijuana and/or  
6                   laundering large sums of cash. The unknown and undisclosed  
7                   locations of these large sums of cash is under continued  
8                   investigation, heightening the Court's concern of the defendant's  
9                   access to monetary resources which may be used to facilitate  
10                  flight. It should be noted that one co-defendant in this matter has  
11                  reportedly already fled to Vietnam to avoid prosecution.

12               (b)   The weight of the evidence. There is substantial evidence  
13                  corroborating the instant charges, including surveillance of the  
14                  defendant's daily activities and the seizure of drugs and a firearm  
15                  from his residence.

16               (c)   The history and characteristics of the person. In the Court's view,  
17                  the ties the defendant has to this district as evidence of his  
18                  reliability to make court appearances are undermined when the  
19                  same people are implicated in this conspiracy. Additionally, the  
20                  lack of stable employment is a de-stabilizing factor.

21               (d)   Risk of danger to the community. The nature of the instant  
22                  offense consists of a drug conspiracy and money laundering  
23                  involving large sums of cash. This poses a risk to the community.


24               (3)   Based upon the foregoing information, it appears that there is no  
25                  condition or combination of conditions that would reasonably assure  
26                  future Court appearances and/or the safety of other persons or the

community.

**It is therefore ORDERED:**

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 29<sup>th</sup> day of September, 2006.

  
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Monica J. Benton  
U.S. Magistrate Judge